

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BRANDON L. DAVID,

Plaintiff,

v.

RANDEE KAISER, et al.,

Defendants.

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No. 4:24-cv-01354-JSD

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court upon review of the complaint filed by self-represented plaintiff Brandon L. David, an inmate at the Jasper County Detention Center in Carthage, Missouri. This case will be transferred to the United States District Court for the Western District of Missouri.

Plaintiff brings this case against defendants Randee Kaiser, Becky Stevens, and Michael Kingsbury alleging violations of his civil rights under 42 U.S.C. § 1983. Plaintiff claims that since entering the Jasper County Detention Center, he has been housed in administrative segregation in unsanitary conditions. Plaintiff's claims arise entirely from events occurring during his incarceration in the Jasper County Detention Center, which is located in Jasper County in the Western District of Missouri. *See* 28 U.S.C. § 105(b)(2).

Under 28 U.S.C. § 1391(b), an action of this type may be brought only in: "(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section,

any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action."

Because the events or omissions giving rise to plaintiff's claims occurred in the Western District of Missouri, venue is proper there. Under 28 U.S.C. § 1406(a), "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." Here, the Court concludes that it is in the interest of justice to transfer this case to the United States District Court for the Western District of Missouri. In addition, in light of all of the circumstances, the Court believes it best if the transferee district address plaintiff's motion for appointment of counsel.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's application to proceed in the district court without prepaying fees or costs is provisionally **GRANTED**. [ECF No. 3]

IT IS FURTHER ORDERED that the Clerk of Court shall **TRANSFER** this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 1406(a).

Dated this 11th day of October, 2024.



JOSEPH S. DUEKER
UNITED STATES MAGISTRATE JUDGE